

## Procedures: Completing your papers and what to do next

For divorce or legal separation Consent Decree,  
in a non-covenant marriage with no minor children

### Requirements

#### a. Paperwork and Signatures:

- Both Party A and Party B must sign the Consent Decree before a Clerk of Superior Court or a Notarial Officer to show that both spouses have read, approved, and agreed to the items in the Decree.
- If either party is represented by a lawyer, the lawyer(s) must also sign the Decree. Both Party A and Party B and their lawyers, if any, must also sign the last page of the “Exhibit A” attached to the decree to separately indicate agreement with the terms of division of property and debt as contained in that document.
- You must also file all other required paperwork.

#### b. Fees:

- Both Party A and Party B must pay the court fees.
- This includes the filing fee paid by the party at the beginning of the case, and the other party’s Response or Answer fee, in order for the Consent Decree to be accepted.
- Both parties must attach a receipt to prove payment or attach a copy of the Order order for initial deferral of fees.

A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court’s website.

- If you cannot afford the filing fees or the fee for having the papers served by the Sheriff or by publication, you may request a fee waiver/deferral (payment plan) when you file your papers with the Clerk of Superior Court.
- Fee Waiver/Deferral Applications are available at no charge from the Law Library Resource Center.

#### c. Time Frame:

- You can file the Consent Decree at any time. However, the Court must wait at least 60 days after the date the Petition was personally served before the Court can enter a ruling.

## General Procedures

- Step 1 Complete all forms in the packet. Assemble the papers into a set of originals:
- Consent Decree
    - Add to the last page of the Decree, the completed Exhibit A about the division of property and debt, if it is not a part of the Decree already.
    - Add to the last page of the Decree, the fee receipt or a copy of the Order for Initial Deferral to show the “Paid” status of your case.
  - If applicable, complete the Spousal Maintenance Worksheet online at the following site:
    - <https://www.superiorcourt.maricopa.gov/app/selfsuffcalc/>
    - Print out 1 copy of the completed Spousal Maintenance Worksheet
- Step 2 Prepare the Notice of Lodging. You need this to submit your decree paperwork.
- Step 3 Proceed to section “Submitting Your Decree on Paper” OR if you will eFile your documents, skip to section “eFiling Your Decree.”

Note: If the Decree deals with the division of retirement funds, pensions or annuities, etc., you may also need a complex document called a “QDRO,” which will require the services of a specialized legal professional. The Law Library Resource does not have a QDRO form. Your pension provider may have a QDRO form or you may need to consult a lawyer to create this document.

## Submitting Your Decree on Paper

- Step 1 If you will be submitting your forms on paper, make three (3) copies of the set of original forms.

Make one (1) copy of the Notice of Lodging.

- Step 2 Separate your documents into three (3) sets:

Set 1 - for Clerk of Superior Court:	Set 2 - for Judge:
<ul style="list-style-type: none"><li>• ORIGINAL Notice of Lodging, with following attached:<ul style="list-style-type: none"><li>○ COPY Consent Decree with “Exhibit A” about the division of property and debt</li><li>○ COPY, if applicable, Spousal Maintenance Worksheet</li></ul></li></ul>	<ul style="list-style-type: none"><li>• COPY of Notice of Lodging</li><li>• ORIGINAL Consent Decree, with “Exhibit A” about the division of property and debt</li><li>• ORIGINAL, if applicable, Spousal Maintenance Worksheet</li></ul>

Set 3 - Copies for spouse:	Set 4 – Your copies
<ul style="list-style-type: none"> <li>• Notice of Lodging</li> <li>• Consent Decree, with “Exhibit A” about the division of property and debt</li> <li>• If applicable, Spousal Maintenance Worksheet</li> </ul>	<ul style="list-style-type: none"> <li>• Notice of Lodging</li> <li>• Consent Decree, with “Exhibit A” about the division of property and debt</li> <li>• If applicable, Spousal Maintenance Worksheet</li> </ul>

**Step 3 Large Envelopes**

Address two 9”x12” envelopes: 1) to you, or your attorney, and 2) to the other Party or their attorney.

- Be sure you put enough postage on the 9” x 12” envelopes.

**Step 4 Clip or rubber band all sets of your originals, copies and envelopes together in a package.**

**Step 5 File the Notice of Lodging (with attachments) and attach the filed copy to the top of your package for the Judge.**

**Step 6 Deliver the package (copy of Notice of Lodging, sets of originals and copies, and envelopes) to Family Administration. Hand-deliver or mail to Family Administration your documents as indicated below. Court hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.**

<u>Central Court Building</u> 201 West Jefferson, 3 <sup>rd</sup> floor Phoenix, Arizona 85003 (To Family Department Administration)	<u>Southeast Court Complex</u> 222 East Javelina Avenue, 1st floor Mesa, Arizona 85210 (To Family Department Administration)
<u>Northwest Court Complex</u> 14264 West Tierra Buena Lane Surprise, Arizona 85374 (To Family Conference Center)	<u>Northeast Court Complex</u> 18380 North 40 <sup>th</sup> Street Phoenix, Arizona 85032 (To Family Conference Center)

**Step 7 What happens next? It is within the Judge’s/Commissioner’s discretion whether to accept or reject the Decree, or to schedule a court hearing.**

- If your consent decree is accepted:

The Judge/Commissioner will sign the original Decree and other paperwork and have them filed with the Clerk of Superior Court. The Clerk will mail a copy of the signed Decree and paperwork to each party using the envelopes you provided. This is your notification that your divorce/legal separation is now final. You are not divorced or legally separated until the Judge/Commissioner signs the Decree.

- If your consent decree is rejected:

The Judge/Commissioner will issue an Order Rejecting Consent Decree which explains the mistakes with the documents. The Court will mail the Order along with all the originals copies submitted in the envelopes provided. Follow the instructions on the Order to make corrections. If the mistakes cannot be corrected, see a lawyer for help.

- If the Judge/Commissioner schedules a hearing:

The Court will send notice of a scheduled date, time and location for a hearing which both parties must attend to answer any questions the Judge/Commissioner may have.

### eFiling Your Decree

- Step 1 If you will eFile your documents, review and follow the instructions for eFiling on the Clerk of Superior Court website:

<https://www.clerkofcourt.maricopa.gov/services/efiling-information/efiling-family-court-consent-decrees>

and

<https://www.clerkofcourt.maricopa.gov/home/showpublisheddocument/5405>

- Step 2 What happens next? It is within the Judge's/Commissioner's discretion whether to accept or reject the Decree, or to schedule a court hearing.

- If your consent decree is accepted:

The Judge/Commissioner will electronically sign and file the Consent Decree package. The Clerk will mail a courtesy copy to each party (or their attorney) to their address on record. This is your notification that your divorce/legal separation is now final. You are not divorced or legally separated until the Judge/Commissioner signs the Decree.

- If your consent decree is rejected:

The Judge/Commissioner will issue a Minute Entry Order which explains the mistakes with the documents. The Clerk will mail the Order to each party (or their attorney) to their address on record. Follow the instructions on the minute entry to correct the errors. If the mistakes cannot be corrected, see a lawyer for help.

- If the Judge/Commissioner schedules a hearing:

The Court will send notice of a scheduled date, time and location for a hearing which both parties must attend to answer any questions the Judge/Commissioner may have.

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